IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 10813 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. G.S. Godbole for Petitioner.

CORAM : F.I. REBELLO,J.
DATED : JANUARY 20, 2005

P.C.

. The learned counsel seeks leave to delete Page nos. 18 to 24 from the record.

Leave granted.

. The Petitioner challenges the order dated 19.10.2004 whreby the learned trial court has permitted the respondent herein to amend written statement to include the counter claim. The learned Judge has placed reliance on the judgement in the Apex Court in Rameshchand Vs.Anil Panjani 200 2(4) All M.R. 1193. On perusal of the Paragraph 23 of the judgment, it will be clear that it will be open to the trial court even after the time for filing written statement is over to permit counter claim. No doubt the discretion must be exercised judicially. In the instant case,

considering the controversy, the amendment has been allowed to avoid multiplicity of proceedings. Considering that to my mind, no case for interference in exercise of article 227.

. However, considering the fact that counter claim has been allowed, naturally petitioner will have to be given time to file his pleadings by way of written statement to the counter claim. Petition disposed of. No order as to costs.

(F.I. REBELLO,J.)